

# UNITED STATES DISTRICT COURT

for the

Eastern District of Michigan

United States of America

v.

James Earl Stanley

Date of Original Judgment: 03/16/2009

Date of Previous Amended Judgment: \_\_\_\_\_

(Use Date of Last Amended Judgment if Any)

Case No: 08-CR-20260-01

USM No: 42620-039

Andrew Wise

*Defendant's Attorney*

## ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

**IT IS ORDERED** that the motion is:

☒ **DENIED.** ☐ **GRANTED** and the defendant's previously imposed sentence of imprisonment (*as reflected in the last judgment issued*) of \_\_\_\_\_ months **is reduced to** \_\_\_\_\_.

*(Complete Parts I and II of Page 2 when motion is granted)*

Defendant James Earl Stanley was sentenced on March 16, 2009, to a term of 120 months on Counts 1 and 2, and 68 months for Count 3, (all Counts consecutive) for a total term of 188 months. The statutory term of custody was determined to be five years to 40 years based on the amount of cocaine base involved, 10.4 grams. The current statutory term of custody would be up to 20 years without a mandatory minimum. However, STANLEY is classified as a Career Offender and therefore ineligible for a reduction in sentence. As it stands today, the defendant would still qualify as a Career Offender as at least two of his previous criminal convictions are qualifying drug offenses. Since the Fair Sentencing Act of 2010 does not make Career Offender sentencing retroactive, the defendant is eligible for a reduction under this criterion.

As it stands today, the defendant would be subject to a guideline range of 151 to 188 months based on his status as a Career Offender with a statutory maximum sentence of up to 20 years.

Except as otherwise provided, all provisions of the judgment dated \_\_\_\_\_ shall remain in effect.

**IT IS SO ORDERED.**

Order Date: May 1, 2020

s/Nancy G. Edmunds

*Judge's signature*

Effective Date: \_\_\_\_\_

*(if different from order date)*

Nancy G. Edmunds, U.S. District Judge

*Printed name and title*